

**Hearing Date:** August 18, 2021  
**Opposition Date:** July 26, 2021  
**Reply Date:** August 2, 2021

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

FAIRFIELD SENTRY LIMITED, et al.,

Debtors in Foreign Proceedings.

FAIRFIELD SENTRY LIMITED, et al. (IN LIQUIDATION), acting by and through the Foreign Representatives thereof,

Plaintiffs,

v.

THEODOOR GGC AMSTERDAM, et al.,

Defendants,

FAIRFIELD SENTRY LIMITED, et al. (IN LIQUIDATION), acting by and through the Foreign Representatives thereof,

Plaintiffs,

v.

ABN AMRO SCHWEIZ, et al.,

Defendants,

Chapter 15 Case

Case No. 10-13164 (CGM)

Jointly Administered

Adv. Pro. No. 10-03496 (CGM)

Administratively Consolidated

Adv. Pro. No. 10-3635 (CGM)

FAIRFIELD SENTRY LIMITED, et al. (IN LIQUIDATION), acting by and through the Foreign Representatives thereof,

Plaintiffs,

v.

ABN AMRO SCHWEIZ, et al.,

Defendants,

Adv. Pro. No. 10-3636 (CGM)

**NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE that, pursuant to this Court's April 26, 2021 Order and as directed by the Court's May 24, 2021 docket order, upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss, a motion will be made on behalf of the entity identified only as "HSBC" for an order dismissing without prejudice the complaints against "HSBC" filed by the Liquidators of Fairfield Sentry Limited, Fairfield Sigma Limited, and Fairfield Lambda Limited, pursuant to Rule 12(b)(5) of the Federal Rules of Civil Procedure, made applicable here by Rule 7012 of the Federal Rules of Bankruptcy Procedure.

PLEASE TAKE FURTHER NOTICE that this motion is without prejudice to Defendants' right to seek dismissal for lack of personal jurisdiction, for failure to state a claim, or on other grounds, and that such defenses are expressly preserved.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, Defendants do not consent to the entry of final orders or judgment by this Court.

[ *Remainder of page intentionally left blank* ]

Dated: Washington, DC  
May 24, 2021

Respectfully submitted,

CLEARY GOTTLIEB STEEN & HAMILTON  
LLP

By: /s/ Nowell D. Bamberger

Nowell D. Bamberger  
(admitted *pro hac vice*)

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TO: All Counsel of Record